

REMARKS

Applicant respectfully requests reconsideration of the subject application. In response to the Office Action mailed 6/3/04, Applicant is filing this response.

In the Office Action mailed 6/3/04, the Examiner has rejected claims 1-43 either under 35 U.S.C. §101 as claiming the same invention as that of U.S. Patent 6,633,936 or under a judicially created doctrine of double patenting.

Applicant submits that the Examiner has not received or reviewed the preliminary amendment filed on 7/29/03. At the time of the filing of the subject application on 7/29/03, a preliminary amendment was also submitted, canceling the original claims 1-43 and adding new claims 44-70. Accordingly, the rejections in the current office action are based on previously canceled claims.

In the listing of claims above, Applicant has noted the current status of the claims. Accordingly, if the Examiner has not canceled claims 1-43 and entered claims 44-70, Applicant requests the Examiner to do so now. Applicant submits that claims 44-70 distinguish over the patented claims of 6,633,936 and, therefore, requests the Examiner to withdraw both double-patenting rejections.

Accordingly, Applicant respectfully requests for the allowance of pending claims 44-70.

Furthermore, it appears that the Examiner may not be in receipt of the IDS submitted with the filing of this application. Accordingly, Applicant is also enclosing a copy of the IDS earlier submitted on 7/29/2003.

If there are any fee shortages related to this response, please charge such fee shortages to Deposit Account No. 50-2126.

Respectfully submitted,

GARLICK, HARRISON & MARKISON, LLP
(Customer No. 34,399)

Date: 8-23-04

By: William W. Kidd

William W. Kidd

Reg. No. 31,772

Phone: (512) 263-1842

Fax No: (512) 263-1469

Email: wkidd@texaspatents.com

CERTIFICATE OF MAILING

37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:

8-23-04

Date

William W. Kidd

Signature